

Appeal Decision

Site visit made on 17 January 2017

by **David Hogger BA MSc MRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2017

Appeal Ref: APP/Q1445/D/16/3165096

81 Dean Court Road, Rottingdean, Brighton BN2 7DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Steve Barnes against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05190, dated 2 September 2016, was refused by notice dated 21 November 2016.
 - The development proposed is described as the erection of a detached pitched roof garage with home gymnasium.
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Decision

1. The appeal is allowed and planning permission is granted for three rooflights, a third side window in the south-east elevation and a door to the front of the garage with home gymnasium, at 81 Dean Court Road, Rottingdean, Brighton BN2 7DL in accordance with the terms of the application Ref BH2016/05190 dated 2 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 1332014/01 RevA;
 - 2) No extension, enlargement or alteration to the garage with home gymnasium, as provided for within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
 - 3) The garage with home gymnasium shall only be used for purposes incidental to the main dwelling.

Preliminary Matter

2. I saw on my visit that the external construction work has already been undertaken and I understand that the enlargement of the garage and the installation of the pitched roof were approved under an earlier permission (BH2014/02968). The Council, in the Officer's Report, confirms that the application subject to this appeal is to 'regularise' the rooflights, the third side window and the 'front' door. In these circumstances I have described the

proposed development as being those parts of the scheme that currently do not have the benefit of planning permission (but which have been constructed) – namely the front rooflight, the two side rooflights, the third window in the side elevation, and the door to the front.

3. As referred to above, planning permission has already been granted for the extension to the garage, the replacement of a flat roof with a pitched roof, and two windows and a door in the side elevation. In the Officer's Report, at the time permission for that development was considered, it is stated that 'the building would not result in an unacceptably dominant building in this location'; and that because of changes in levels the proposed development would 'appear subordinate' to both the host property and No 2 Welesmere Road. Finally the Officer concludes that the proposal 'would not significantly harm the visual amenity of the street scene'. I agree with those conclusions and have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the development (as described in paragraph 2 above) on the character of the local street scene.

Reasons

5. There is a range of dwelling styles and sizes in the area but most of them are two storey in height and comparatively large. In comparison the outbuilding is single storey in height and from Welesmere Road (onto which it fronts) the inclusion of the double garage doors clearly indicates that this is an ancillary building. The ancillary nature of the building is further emphasised by the fact that what the Council describes as a 'front door' is not directly accessed from the driveway but is located behind the boundary wall of the house, giving it the appearance of being primarily accessed from the garden of the house.
6. In terms of the rooflights and the third side window, because of their size, design and siting, they do not significantly change the appearance of the building as already permitted and do not introduce detrimental visual elements into the street scene.
7. Because of its size and design the building appears as ancillary to the host property and not as a separate dwelling. In any event fears that the building could be used as a separate unit of accommodation can be assuaged by the imposition of appropriate conditions to ensure that the building does not become an independent residential unit. An approach that is accepted by the appellant.
8. Saved policy QD14 of the Brighton and Hove Local Plan requires new development to be well designed and sited, taking into account the character of the area. Supplementary Planning Document 12: Design Guide for Extensions and Alterations, implies that detached outbuildings that have a 'cluttering and visually harmful effect on a neighbourhood' should be avoided. For the reasons given above I am satisfied that the development is in accordance with the Council's policies.

Conditions and Conclusion

9. The Council has requested conditions firstly requiring the external materials to be used to match those in the existing building and secondly that development

should be undertaken in accordance with the approved plans. In terms of materials, the works that are subject to this appeal have already been completed and therefore the 'materials' condition is not necessary. Although it appears that the external works have been completed in accordance with the submitted plan, in order to provide certainty that the development is acceptable in planning terms, the imposition of the Council's second suggested condition is justified.

10. The Council has suggested two other conditions restricting further changes to the building without planning permission and requiring the building only to be used in connection with the host dwelling. These are necessary to ensure that the living conditions of nearby residents are protected and to prevent harm to the character and appearance of the street scene. They meet the tests set out in paragraph 206 of the National Planning Policy Framework and I impose them accordingly.
11. For the reasons given above the appeal should be allowed.

David Hogger

Inspector

